

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SOURCECODE COMMUNICATIONS LLC,	:	
	:	
Plaintiff,	:	
	:	21-CV-10519 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
IN-TELLIGENT LLC,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Plaintiff commenced this action on December 9, 2021 by filing its Complaint. (Doc. 1 (“Compl.”).) After Defendant failed to appear, Plaintiff filed papers seeking entry of a default judgment. (Docs. 16–21.) However, Plaintiff’s Complaint failed to establish my subject matter jurisdiction over this action, which led to my entering an order on February 22, 2022 prompting Plaintiff to file a jurisdictionally sufficient amended complaint and to “use this amended complaint as the basis for seeking default judgment.” (Doc. 22 (“SMJ Order”).)

On March 4, 2022, Plaintiff filed its Second Amended Complaint (“SAC”). (Doc. 23). The SAC appears to set forth sufficient bases for my subject matter jurisdiction over this action. However, Plaintiff has not used the SAC as the basis for seeking default judgment.<sup>1</sup> Accordingly, it is hereby

ORDERED that Plaintiff must seek a default judgment based on the SAC, in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases, by no later than March 21,

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<sup>1</sup> In the SMJ order, I cited to an action in which a plaintiff renewed a request for default judgment after I found that the plaintiff’s initial complaint failed to establish my subject matter jurisdiction. *See generally Hoguet Newman Regal & Kenney, LLP v. Lowe*, 1:21-cv-01048-VSB-OTW (S.D.N.Y.). If Plaintiff is not sure how to proceed, Plaintiff may wish to consult that action’s docket.

2022. Failure to do so will result in dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: March 14, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK  
United States District Judge